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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,046	10/01/2003	Courtney Konopka	81053 7114	6653

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EXAMINER	
CHANKONG, DOHM	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,046	KONOPKA ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14,16,18,19 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-14, 16, 18, 19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1, 3, 12, 16 and 18 are amended. Claims 2, 15 and 17 are cancelled. Claims 1, 3-14, 16, 18, 19 and 21 are presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5.22.2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4> Claims 1, 4-8, 16, 19 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Balasubramaniam et al, U.S Patent No. 6.701.441 ["Balasubramaniam"], in view of Wing et al, U.S Patent Publication No. 2004|0236843 ["Wing"].

5> As to claim 1, Balasubramaniam discloses a method for use in remotely diagnosing an electronic device, comprising:

initiating a diagnostic analysis of an electronic device [column 11 «lines 32-48»];

identifying the electronic device [column 7 «lines 42-57» | column 10 «lines 32-60 where : "registering" the user computer];

determining whether the electronic device comprises a diagnostic controller [Figure 4-1 «items 408, 414» | column 11 «lines 8-31»];

receiving a plurality of scripts for diagnosing the electronic device communicated over a distributed network, wherein the receiving the plurality of scripts includes receiving within the diagnostic controller at least one web page having the plurality of scripts and the diagnostic controller extracting at least one of the plurality of scripts from the web page [column 5 «lines 23-35» | column 9 «lines 36-54» where : the ActiveX control corresponds to a diagnostic controller];

remotely initiating a first diagnostic instruction with at least one of the plurality of scripts [column 11 «lines 52-59» | column 12 «lines 29-32»];

determining a second diagnostic instruction based on the response with at least one of the plurality of scripts [column 11 «lines 46-48 and 60-65»]; and

remotely initiating the second diagnostic instruction with at least one of the plurality of scripts [column 11 «lines 60-65»].

Balasubramaniam does not expressly disclose receiving a response based on the first diagnostic instruction. However, Balasubramaniam does disclose that "the server computer 100 checks if any other programs (scripts, diagnostic instruction) need to be downloaded..." [column 11 «lines 61-62»]. According to Wing, one method to check whether additional scripts are necessary is to look at the received responses from previous diagnostic instructions [0108-0111]. The benefit of such a feature is to allow for results-based testing to determine whether additional diagnostic instruction is necessary to diagnose or maintain the device. Thus, it would have been obvious to combine Balasubramaniam's remote diagnostic system with this feature as taught by Wing.

6> As to claim 4, Balasubramaniam discloses remotely receiving the diagnostic controller over the distributed network prior to the identifying the electronic device [column 5 «line 36» to column 6 «line 19» : activeX controls].

7> As to claim 5, Wing discloses electronically accessing the electronic device and receiving an identity of the electronic device from the electronic device [column 7 «lines 42-62].

8> As to claim 6, Wing discloses determining if an identity of the electronic device can be directly determined [column 10 «lines 32-60»]; and

requesting the identity of the electronic device from a user when the identity cannot be directly determined [column 10 «lines 32-60»].

9> As to claim 7, Balasubramaniam discloses:

receiving over the distributed network an initiation for the diagnosis of the electronic device [column 12 «lines 29-32»];

receiving from over the distributed network the identification of the electronic device [column 10 «lines 32-60»];

determining a plurality of scripts to implement the diagnosis of the electronic device [column 11 «lines 60-65» | claim 11]; and

communicating the plurality of scripts over the distributed network [column 11 «lines 60-65» | claim 11].

10> As claim 8 does not limit or further define over the previously claimed limitations, it is rejected for at least the same reasons stated above for claim 1 [Balasubramaniam's embedding scripts into an HTML page is analogous to Applicant's use of "incorporating" scripts into a page].

11> As to claim 16, as it does not teach or further define over the previously claimed limitations, it is rejected for at least the same reasons set forth above for claim 1.

12> As to claim 19, Balasubramaniam discloses at least one of the plurality of scripts initiates a download over the distributed network to the electronic device [column 11 «lines 39-40» : "upgrading the software"].

13> As to claim 21, Balasubramaniam discloses the remotely receiving the diagnostic controller over the distributed network further comprises:

receiving at least one web page wherein the diagnostic controller is incorporated into the at least one web page [column 9 «lines 36-40» : "ActiveX controls" correspond to diagnostic controller];

extracting the diagnostic controller from the at least one web page [column 9 «lines 36-40» | column 11 «lines 10-31»]; and

initializing the diagnostic controller [column 11 «lines 10-31»].

14> Claim 3 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Balasubramaniam and Wing, in further view of Korn, U.S Patent No. 6.880.083.

15> As to claims 3 and 18, Balasubramaniam does not explicitly disclose decrypting at least a portion of the plurality of the scripts prior to the initiating the first diagnostic instruction. However, it should be noted that principles of cryptography for network data, and specifically the encryption and decryption of data, is well known and expected in the art for providing secure communications over an insecure medium. As such, the step of decrypting

an encrypted communications between network devices does not constitute a patentable or inventive step over what is well known in the art.

Scripts passed between a server and client correspond to data or information that is encrypted when transmitted through the network. Korn discloses decrypting at least a portion of the plurality of scripts prior to the initiating the script [abstract | column 2 «lines 4-38»]. It would have been obvious to one of ordinary skill in the art to incorporate Korn's secure scripts into Balasubramaniam. One would have been motivated to provide such a combination to prevent malicious attacks from hackers and internet viruses [see Korn, column 1 «lines 50-52»].

16› Claims 9-14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Balasubramaniam and Wing, in further view of Sewell et al, U.S Patent Publication No. 2002|0165952 ["Sewell"].

17› As to claim 9, Balasubramaniam does not expressly disclose generating the plurality of scripts for diagnosing the electronic device based on an identity of the electronic device.

18› Sewell is directed towards a system for remote management of network devices through a central repository of diagnostic scripts. Sewell discloses generating a plurality of scripts for diagnosing electronic devices based on an identity of the electronic device [0065, 0066]. It would have been obvious to one of ordinary skill in the art to incorporate Sewell's script generation functionality into Balasubramaniam's remote diagnostics systems to enable

customization of scripts based on received diagnostic data. Such an implementation would provide a distinct improvement to Balasubramaniam's system that currently collects diagnostic data in a database [0074] as well as using scripts to test detected devices [0103] but does not disclose generating specific scripts based on them. Sewell provides such a teaching.

19> As to claim 10, Balasubramaniam discloses the plurality of scripts provide polling of the electronic device [column 11 «lines 40-42»].

20> As to claim 11, Balasubramaniam discloses the plurality of scripts initiating remote maintenance of the electronic device [column 11 «lines 46-48»].

21> As to claim 12, Balasubramaniam discloses a system for remotely diagnosing electronic devices, comprising:

the at least one script is incorporated within a web page, and the web page with the at least one script is forwarded over the distributed network [column 5 «lines 23-35» | column 9 «lines 36-54»];

a remote diagnostic controller coupled with the distributed network and with an electronic device to be diagnosed, and the diagnostic controller receives the web page and the at least one script within the web page and implement the at least one script such that the remote diagnostic controller forwards a first instruction to the electronic device to be performed by the electronic device, and to forward a second and|or subsequent instructions

to the electronic device [Figure 4-1 «items 408, 414» | column 5 «lines 23-35» | column 9 «lines 36-54» | column 11 «lines 8-31»].

Balasubramaniam does not expressly disclose receiving a first reply or submitting further instructions based on previous replies.

Wing discloses receiving a first reply from the electronic device and forwarding a second and|or subsequent instructions to the electronic device based on the first reply and|or previous replies [0009, 0081, 0083, 0085, 0089 where : Wing discloses a client application that is enabled to execute scripts. The scripts can send instructions to trigger execution of program code already resident in the client computer. Scripts are received and executed based on the results of previously executed scripts] [See rejection of claim 1 for combination motivation].

Wing and Balasubramaniam do not disclose a script generator.

22> Sewell discloses a script generator coupled with a distributed network, wherein the script generator is configured to compile at least one script and forward that at least one script over the distributed network [0064, 0065, 0066]. It would have been obvious to one of ordinary skill in the art to incorporate Sewell's script generation functionality into Balasubramaniam's remote diagnostics systems to enable customization of scripts based on received diagnostic data. Such an implementation would provide a distinct improvement to Balasubramaniam's system that currently collects diagnostic data in a database [0074] as well as using scripts to test detected devices [0103] but does not disclose generating specific scripts based on them. Sewell provides such a teaching.

23> As to claim 13, Balasubramaniam discloses the diagnostic controller maintained within a host computer, wherein the host computer provides processing capabilities for the diagnostic controller in determining the second instruction [column 11 «lines 23-31» | column 12 «lines 55-67»].

24> As to claim 14, Balasubramaniam discloses the diagnostic controller maintained within the electronic device, wherein the electronic device provides processing capabilities for the diagnostic controller in determining the second instruction [column 5 «line 23» to column 6 «line 10»].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

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